

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 00-0094-01-CR-W-FJG
)	
LESTER MCGRONE,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On August 30, 2018, defendant Lester McGrone was ordered to undergo a psychological examination pursuant to 18 U.S.C. § 4241. (Docs. 119, 121). The examination was conducted at the Federal Correctional Institution, Butner, North Carolina. The Forensic Evaluation is dated December 11, 2018. The report was filed with the Court on January 16, 2019. (Doc. 122).

A hearing was held as to defendant's competency on January 30, 2019. The defendant appeared in person and through appointed counsel, Laine T. Cardarella. Assistant United States Attorney Paul Becker appeared for the Government. Both parties stipulated that if called to testify, Heather H. Ross, Ph.D., would testify consistent with the Forensic Evaluation she has submitted to the Court. In the Forensic Evaluation, Dr. Ross opined that the available information indicates defendant Lester McGrone is not currently competent to proceed.

Based on the Forensic Evaluation submitted by Dr. Ross for the defendant, Lester McGrone, and there being no challenge to the findings of this report, the Court finds that defendant Lester McGrone is not currently competent to proceed. It is, therefore

RECOMMENDED that defendant Lester McGrone be found incompetent to stand trial. It is further

RECOMMENDED that the court commit defendant Lester McGrone to the custody of the Attorney General for hospitalization and treatment pursuant to 18 U.S.C. § 4241(d). It is further

RECOMMENDED that Plaintiff be sent to the Federal Medical Center in Springfield, Missouri for such hospitalization and treatment.

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its filing will bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Dated this 30th day of January, 2019, at Kansas City, Missouri.

/s/ *Matt J. Whitworth*

MATT J. WHITWORTH
United States Magistrate Judge